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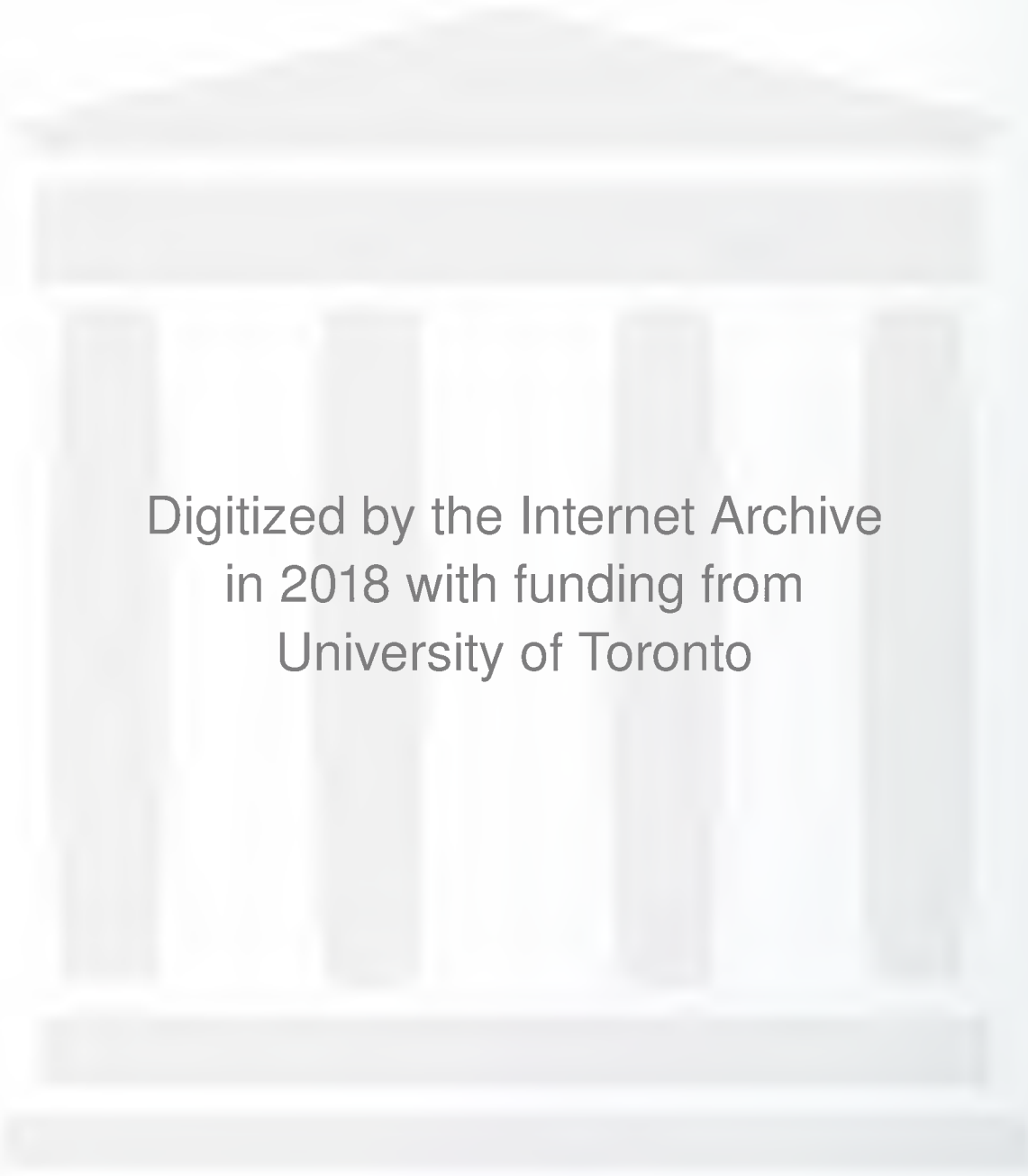
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Patents and Trade Secrets

University of Toronto Faculty of Law

Spring 1993 Course Material



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COURSE OUTLINE - PRELIMINARY

1.	INTRODUCTION	1
A.	The Monopoly	
B.	The Structure of the Patent	
	The Specification	
	The Title Page	
	The Abstract	
	The Disclosure	
	The area of the invention	
	The prior art and the problems	
	(The object of the invention)	
	The consistory clause	
	The description of an embodiment	
	The generalized statement embodiment is illustrative and not limiting	
	The Drawings	
	The Claims	
	The preamble	
	The transition	
	The claim elements	
	Types of Claims	
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A.	THE LEGISLATIVE BASIS	
B.	THE PREREQUISITES	
	B.1 Novelty	
	B.2 Utility	
	B.3 Inventive Ingenuity: the scintilla of invention	

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C.	SUBJECT MATTER	3
C.1	Approved Categories	
C.2	Prohibited subject matter	
D.	THE NEW TECHNOLOGIES	
D.1	Computer programs	
D.2	Biotechnology and life forms	4(1) (Rae)
3.	The Application Process	4(2)
4.	Construction of the Claims	5
5.	Infringement	6(1)
A.	The Legislative Basis	
B.	Introduction	
B.1	purpose or intent is irrelevant	
B.2	geographic limitation	
B.3	importation	
C.	Mixed Question of Law and Fact	
C.1	Evidence on the ultimate issue	
D.	Comparing the Claims to the Alleged Infringement	
D.1	Literal or textual infringement	
D.2	Infringement of the Pith and Substance	6(2)
D.2.1	the essential integers	
D.2.2	the non-essential integer	
D.2.2.1	the missing integer	
D.2.2.2	replaced with a variant/equivalent	
E.	Infringing Improvements	
F.	Inducement and Procurement	7(1)
6.	Validity	7(2)
A.	The Legislative Basis	
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C.	Prior Knowledge and Use: Anticipation	
D.	Covetous Claiming	8(1)
D.1	Claims broader than invention made	
D.2	Claims broader than invention disclosed	
E.	Obviousness	8(2)
F.	Defects in the Patent	
F.1	Inadequate disclosure	
F.2	Ambiguous Claims	

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	Permanent	
	Delivery up	
	Damages	9(2)
	Profits	

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10. A Special Case: Pharmaceuticals

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13.	Misuse of the Information	12
14.	Damage	
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